



PATENT
Docket No.: 36287-04404

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Gray et al.

Serial No. : 10/723,264 **Group Art Unit** : TBA

Filed : November 26, 2003 **Examiner** : TBA

For : ***METHOD AND SYSTEM FOR TRANSFER OF EMPLOYEE STOCK OPTIONS***

**RESPONSE TO NOTICE TO FILE MISSING PARTS
AND PETITION FOR STATUS UNDER 37 C.F.R. § 1.47**

Mail Stop Missing Parts
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Parts, mailed on February 25, 2003, enclosed is a Declaration executed by Mr. Stephen E. Gray, and Mr. David A. Seaman. Replacement drawings are also enclosed.

A Declaration from Mr. Stephen L. Roti is not available and for the reasons explained below, the undersigned hereby petitions for status of this application under 37 C.F.R. § 1.47.

On June 27, 2003, U.S. Provisional Patent Application Serial No. 60/483,486 ("the '486 application") was filed in the names of Allen R. Friedman, Stephen E. Gray, Benjamin B. Lopata, Stephen L. Roti, and David A. Seaman.

On November 26, 2003, a U.S. Regular Patent Application Serial No. 10/723,264 ("the '264 application") was filed in the names of Stephen E. Gray, Stephen L. Roti, and David A. Seaman ("the named inventors"). The '264 application claims priority to the '486 application and was filed without a signed declaration. On February 25, 2004, the U.S. Patent and

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Trademark Office mailed a Notice to File Missing Parts, requiring an executed declaration. A copy of that notice is enclosed. Shortly thereafter, declaration and assignment documents were forwarded to the named inventors for execution. Mr. Stephen E. Gray, and Mr. David A. Seaman executed declaration and assignment documents, and copies of those declaration and assignment documents are enclosed. All attempts to have Mr Stephen L. Roti execute a declaration and assignment document have been unsuccessful. The enclosed Declaration and supporting appendices of Ms. Catherine Harper document the unsuccessful attempts to have Mr. Roti execute declaration and assignment documents for the '264 application.

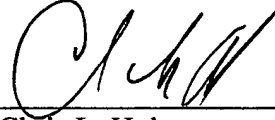
When the invention that is claimed in the '264 application was made, Mr. Roti was an employee of J.P. Morgan Chase & Co. ("J.P. Morgan"). Under the terms of his employment with J.P. Morgan, Mr. Roti was and remains under an obligation to assign his rights in the invention to J.P. Morgan. The enclosed Declaration and supporting appendices of Mr. Andrew Cadel document that obligation and the ownership interest of J.P. Morgan in the invention.

In view of the facts as outlined above, and in view of the enclosed Declarations from Ms. Harper and Mr. Cadel, as well as the executed Oath/Declaration from Mr. Stephen E. Gray, and Mr. David A. Seaman, the undersigned respectfully submits that this application is entitled to status under 37 C.F.R. § 1.47, and hereby petitions for such status.

Enclosed you will find a late filing fee surcharge of \$130.00 (37 C.F.R. § 1.16(e)), a petition fee of \$130.00 (37 C.F.R. § 1.17(h)), as well as a petition and the fee of \$950.00 for an extension of time (3 months). (total \$1210.00)

If the Commissioner has any questions, the undersigned would appreciate a telephone call at the number indicated.

Respectfully submitted,
Milbank, Tweed, Hadley & McCloy, LLP



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July 8, 2004

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